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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/380,784 09/09/1999		YOSHITO NEJIME	501.37519X00 3064		
24956	7590 04/21/2006		EXAMINER		
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			KOENIG, A	KOENIG, ANDREW Y	
1800 DIAG(ONAL ROAD				
SUITE 370			ART UNIT	PAPER NUMBER	
ALEXANDI	RIA, VA 22314		2623		

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)			
09/380,784	NEJIME ET AL.	NEJIME ET AL.		
Examiner	Art Unit			
Andrew Y. Koenig	2623			

	Andrew Y. Koenig	2623				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress			
THE REPLY FILED 28 March 2006 FAILS TO PLACE THIS AP	PLICATION IN CONDITION FOR A	ALLOWANCE.	•			
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mu	idavit, or other evider compliance with 37 Cl	ce, which FR 41.31; or (3)			
a) \square The period for reply expires 4 months from the mailing date	of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 76	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final rejection FIRST REPLY WAS F	on. ILED WITHIN			
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply origi than three months after the mailing da	of the fee. The appropri nally set in the final Office	ate extension fee ce action; or (2) as			
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	s of the date of e appeal. Since			
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered be	ocalico			
(a) ☐ They raise new issues that would require further co			ecause			
(b) They raise the issue of new matter (see NOTE belo		· _ 00.0,,				
(c) They are not deemed to place the application in bet appeal; and/or	ter form for appeal by materially rec	ducing or simplifying t	he issues for			
(d) ☐ They present additional claims without canceling a	corresponding number of finally reje	ected claims.				
NOTE: See Continuation Sheet. (See 37 CFR 1.1	16 and 41.33(a)).					
4. The amendments are not in compliance with 37 CFR 1.12	21. See attached Notice of Non-Co	mpliant Amendment (PTOL-324).			
5. Applicant's reply has overcome the following rejection(s)	:·		•			
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 	lowable if submitted in a separate,	timely filed amendme	nt canceling the			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided the status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 7,9,11 and 22-26.		I be entered and an e	xplanation of			
Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE						
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 	t before or on the date of filing a No d sufficient reasons why the affidavi	otice of Appeal will <u>no</u> it or other evidence is	t be entered necessary and			
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary 	vercome <u>all</u> rejections under appear and was not earlier presented. Se	al and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a).			
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after er	ntry is below or attach	ed.			
 The request for reconsideration has been considered but <u>See Continuation Sheet.</u> 	t does NOT place the application in	condition for allowan	ce because:			
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)						
13. Other:			_			
	() / _					
	ANDREW Y K	1001G				

Continuation of 3. NOTE: The proposed amendment to newly introduced claims 7 and 27 introduces new limitation that would require further search and consideration in that the limitations were not presented as depending from these claims prior to the closing of prosecution.

Continuation of 11. does NOT place the application in condition for allowance because: 1. The applicant's arguments filed 28 March 2006 have been fully considered but they are not persuasive.

The applicant has argues that "The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other (see remarks, pg. 9, second paragraph). However, the applicant has made no additional argument as to how the cited references do not teach or suggest "the playback of the video and audio data of broadcast information is started and continues until it is stopped according to a predetermined start timing of playing auxiliary information so as to permit the playback of auxiliary information which is generated due to execution of the program or script" (see discussion in remarks, pg. 8, para. 4), or the limitation "if the program of script has not been executed within a predetermined period of time as measured from a time when execution of the program or script is started, then execution of the program or script is canceled." (see remarks, pg. 8, last paragraph).

The applicant argues that Olivo, Shimoji, and Russo do not provide any teaching whatsoever as to the particular point where to resume playback of the program data, let alone resuming the program data from the predetermined start timing after execution of the program data has been canceled, as recited in the claims (see pg. 9, para. 1 and pg. 10, para. 1 of remarks). The examiner disagrees. The claims merely recite that the program data from "a point" not "the particular point" as argued. As discussed in the rejection, Olivo teaches selectively executing the program or script, wherein the recorded program continues (resumes) or substitutes and then resumes playing back the content (col. 7, II. 48-54, col. 14, II. 30-53, and col. 16, II. 1-27), which is "a point succeeding said predetermined start timing" (of claims 22 and 24), "a point succeeding playback of said data" (of claims 23 and 25). Due to the broad nature of the limitation, the instant interpretation still reads on the claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the particular point") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)..